

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

KEVIN LAFITE LOUIS, JR.

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Case No. 4:13cr76
(Judge Crone)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 3, 2013, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Jennifer Bray.

On July 29, 2002, Defendant was sentenced by the Honorable Florence-Marie Cooper to one hundred and thirty (130) months' custody followed by five (5) years of supervised release for the offense of Conspiracy, Armed Bank Robbery, and Use or Carrying of a Firearm in Connection with a Crime of Violence. On January 4, 2011, Defendant completed his period of imprisonment and began service of his supervised term. This case was transferred to this District and was assigned to the Honorable Marcia A. Crone.

On April 18, 2013, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory, standard, and special conditions. Violation allegations four and five were dismissed by the Government. The petition also alleged violation of the following conditions: (1) the defendant shall refrain from any unlawful use of a controlled substance; (2) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance, or any paraphernalia related to any controlled substance, except as prescribed by a physician; and (3) the

defendant shall participate in a program of either out-patient or in-patient substance abuse testing and treatment, as deemed appropriate by the Probation Officer. Defendant shall also agree to be discharged by such programs at the discretion and instruction of the program director and the Probation Officer. Defendant shall also refrain from using illicit drugs, using alcohol, and abusing prescription medication during the period of supervision.

The petition alleges that Defendant committed the following acts with regard to the remaining violations: On January 10, 2011, July 10, 2012, August 1, 2012, August 20, 2012, and August 31, 2012, the Defendant submitted urine specimens that tested positive for marijuana. The urine specimens were confirmed positive by Alere Toxicology Services.

Prior to the Government putting on its case, Defendant entered a plea of true to the remaining violations.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of five (5) months with no supervised release to follow. It is also recommended that Defendant be housed in a Bureau of Prisons facility near Inglewood, California.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 4th day of June, 2013.


AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE